LIBEL—PUBLICATION TO AGENT.—Boltz and wife ordered a stove of the defendant company, giving their joint note therefor. Young, an agent of the stove company, was given the original order with the words "no good" written across the face thereof, and directed not to deliver the stove unless he could collect $57 which was not called for by the contract of sale. As Boltz was working away from home, he asked a neighbor, Faulk, to assist in receiving, unloading and placing the stove. Young showed the said order to Faulk and to Mrs. Boltz, in explanation of his demand for the payment. *Held,* it was unnecessary to decide whether the words were libelous *per se,* for there was no publication. *Wrought Iron Range Co.* v. *Boltz* (Miss., 1920), 86 South. 354.

The court reasons that showing the alleged libelous words to the wife was no publication, for she was jointly interested in the contract, and showing them to Faulk was no publication, for he was the agent of Boltz and simply stood in his place. No authority was cited for either proposition. The first, however, seems clear upon principle, but the second is more doubtful. Authority precisely in point is scarce. The statement that communication to any person other than the plaintiff is sufficient publication, SALMOND ON TORTS, 412; *Jozsa* v. *Moroney,* 125 La. 813, is too broad in the light of many recent cases, some of which are cited, *infra.* But this is the rule, and contrary cases are exceptions. *Duke of Brunswick* v. *Harmer,* 14 Q. B. 185, is contrary to the principal case. The publication there consisted of the sale of a newspaper to the agent of the plaintiff, sent purposely to make the purchase. *Wright* v. *Great Northern R. R. Co.,* 186 S. W. 1085 (Mo., 1916), is also *contra,* but is without value here because placed by the court, unnecessarily, it seems, upon a special state statute. In *Brown* v. *Elm City Lumber Co.,* 167 N. C. 9, and *Alabama & Vicksburg R. R. Co.* v. *Brooks,* 69 Miss. 168, the sending of libelous letters to the plaintiffs' attorneys in response to claims presented by the said attorneys for their respective clients, was held sufficient publication. *Dickinson* v. *Hathaway,* 122 La. 644, also an attorney case, seems *contra* to the two cases last cited, and to lend some support to the principal case, but therein the matter of publication is badly confused with that of privilege. Such a doctrine certainly finds no support in *Jozsa* v. *Moroney, supra.* On principle, it is hard to see why the plaintiff was not as much damnified by the exposure of the order to this particular neighbor whom he had asked to help receive the stove as to any other person. The temporary agency was neither prevention nor cure for the injury to his reputation. The court in the instant case passes without notice another very interesting question, to-wit, whether the handing of the libelous paper by the company to their agent, Young, was not publication. On the authority of *Bacon* v. *Mich. Central R. R. Co.,* 55 Mich. 224; *Ward* v. *Smith,* 6 Bing. 749; *Gambrill* v. *Schooley,* 93 Md. 48; *Pullman* v. *Hill* [1891], 1 Q. B. 524, and the numerous cases following the *Pullman* case, it is submitted that this was publication. While the tendency is undoubtedly away from the *Pullman* case, as far as publication to a stenographer in the course of business is concerned, it is doubted if the court which gave the decision in *Owen* v. *Ogilvie*

Pub. Co., 32 App. Div. 465, and its many followers, would include a deliveryman of merchandise in their "all one act" theory. See further 17 MICH. L. REV. 187, 346, and 19 MICH. L. REV. 106, for the phase of the problem last discussed above.

MUNICIPAL CORPORATIONS—RIGHT TO CONDEMN LAND FOR WATERWORKS IN ANOTHER STATE.—The states of Washington and Oregon enacted reciprocal statutes providing that a municipal corporation of any adjoining state might acquire title to land or water rights within the state by purchase or condemnation for waterworks purposes. A city in Washington planned to issue bonds to construct a waterworks system which required the city to condemn lands in Oregon by virtue of the Oregon statute. A taxpayer sought to enjoin the issuance of the bonds on the ground that the city could not exercise the power of eminent domain in another state and so could not lawfully proceed with the project. *Held* (four justices dissenting), that in view of the reciprocal statutes, the city may exercise the power of eminent domain in the other state, and that the injunction should be refused. *Langdon* v. *City of Walla Walla* (Wash., 1920), 193 Pac. 1.

The right of eminent domain, by constitutional provisions which prevail generally in the United States, is restricted to taking property for public use. LEWIS, EMINENT DOMAIN, § 1. The public use for which property may be taken is a public use within the state from which the power is derived. Generally speaking, one state cannot take or authorize the taking of property situated within its limits for the use of another state. NICHOLS, EMINENT DOMAIN, § 29. If the state authorizing the use of the power benefits thereby, it is no objection that another state also benefits. *Gilmer* v. *Lime Point*, 18 Cal. 229. The relative amount of direct benefit accruing inside and outside of the state is not material. Thus, property was taken to be used to prevent the water supply of two cities in the home state and one in a neighboring state from being polluted. *Columbus Water Works Co.* v. *Long*, 121 Ala. 245; and to increase the power of the condemner's electric plant located within the state 4,750 horse-power, and of its plant located outside of the state 13,500 horse-power, *Washington Power Co.* v. *Waters*, 19 Idaho 595; and to construct a pipe-line serving a few people in West Virginia and many people in Pennsylvania, *Carnegie Gas Co.* v. *Swiger*, 72 W. Va. 557. It has been held that unless some direct benefit from the proposed use is to accrue to the state in which it is located, the state's power of eminent domain cannot be used to condemn property. In *Grover Irrigation Co.* v. *Lovella Ditch Co.*, 21 Wyo. 204, the land sought to be condemned was to be used only to facilitate the irrigation of land in another state; the use of the power was refused. But indirect benefit to the state has also been recognized as sufficient to justify the exercise of the power. Thus, the United States was permitted the state's right of eminent domain in Maryland for the purpose of furnishing a water supply to the District of Columbia, the court basing its decision partly on the ground that, as the United States benefited, Maryland as a part of the United States benefited also. *Reddall* v. *Bryan*, 14 Md.